

Notice of Allowability

Application No.

10/602,092

Applicant(s)

BLOOM ET AL.

Examiner

Louanne C Krawczewicz Myers

Art Unit

1661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 6/23/03.

2. ☒ The allowed claim(s) is/are the claim.

3. ☒ The drawings filed on 23 June 2003 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

JK Myers

Examiner's Amendment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **Must** be submitted no later than the payment of the Issue Fee.

Examiner's Amendment Authorized

Authorization for this Examiner's Amendment was given in a telephone interview with Catherine Anne Whealy on May 13, 2004.

Amendment to the Disclosure

The application has been amended as follows:

- A. Page 1, line 11, "the Polemonium cultivar Yezoense" has been deleted and --an unidentified selection of *Polemonium yezoense*-- has been inserted in its place.
- B. Page 3, line 12, "that" has been deleted and --than the-- has been inserted in its place.
- C. Page 3, line 15, ",the cultivar Yezoense" has been deleted and --selection-- has been inserted in its place.

- D. Page 3, lines 17 and 20, "cultivar Yezoense" has been deleted and --male parent selection-- has been inserted in its place.
- E. Page 4, lines 1-2 have been deleted and --2. Fully expanded leaves of plants of the new *Polemonium* were purple in color whereas fully expanded leaves of plants of the male parent selection were green in color.-- has been inserted in its place.
- F. Page 4, line 4, "cultivar Yezoense" has been deleted and --male parent selection-- has been inserted in its place.
- G. Page 5, line 8, "*Polemonium hybrida* cultivar Yezoense" has been deleted and --unidentified selection of *Polemonium yezoense*-- has been inserted in its place.
- H. Page 6, line 2, "simple; basal" has been deleted and --compound; about 25 leaflets per leaf-- has been inserted in its place.
- I. Page 6, line 3, "Length" has been deleted and --Leaf length-- has been inserted in its place.

- J. Page 6, line 4, "Width" has been deleted and --Leaf width-- has been inserted in its place.
- K. Page 6, between lines 4 and 5, the following has been inserted:
--Leaflet length: About 7.5 mm.
Leaflet width: About 2.5 mm.--.
- L. Page 6, line 5, "Shape" has been deleted and --Leaflet shape-- has been inserted in its place.
- M. Page 6, line 6, "Apex" has been deleted and --Leaflet apex-- has been inserted in its place.
- N. Page 6, line 7, "Base" has been deleted and --Leaflet base-- has been inserted in its place.
- O. Page 6, line 8, "Margin" has been deleted and --Leaflet margin-- has been inserted in its place.
- P. Page 6, line 9, "Texture" has been deleted and --Leaflet texture-- has been inserted in its place.

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Q. Page 6, line 10, "Venation" has been deleted and --Leaflet venation-- has been inserted in its place.

R. Page 6, line 11, "Color" has been deleted and --Leaflet color-- has been inserted in its place.

S. Page 6, lines 20 and 21, "Petiole" has been deleted and --Leaf petiole-- has been inserted in its place.

T. Page 7, line 1, "Petiole" has been deleted and --Leaf petiole-- has been inserted in its place.

Reasons for Allowance

The specification is as complete as is reasonably possible. In view of Applicants' statement on the declaration filed with the instant U.S. Plant Patent application, June 23, 2003, any publications that may have arisen from the application(s) for Plant Breeders Rights, also set forth on Applicants' declaration filed with the instant U.S. Plant Patent application, June 23, 2003, would not be enabling. Therefore a proper rejection under 35 USC 102(b) cannot be made.

Future Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louanne C. Krawczewicz Myers whose telephone number is (571) 272-0979. The examiner can normally be reached on Monday and Thursday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campbell can be reached on (571) 272-0974. The fax phone numbers for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

LKM



**KENT BELL
PRIMARY EXAMINER**

